

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

vs.

CRIMINAL NO. 5:07-cr-25-DCB-JCS

VINSON ERIC WOODBERRY

ORDER

BEFORE THE COURT is Defendant's Motion for Credit for Prior Custody [**docket entry 59**]. After reviewing the pleadings, the Court finds that as Defendant is challenging the manner in which his sentence is being executed, and thus his present motion should be considered as a petition for habeas corpus relief under 28 U.S.C. § 2241. See e.g. Padilla v. United States, 416 F.3d 424, 426 (5th Cir. 2005) (instructing that Section 28 U.S.C. § 2241 "is the proper procedural vehicle in which to raise an attack on 'the manner in which a sentence is executed.'"); Pack v. Yusuff, 418 F.3d 448, 451 (5th Cir. 2000) ("A section 2241 petition on behalf of a sentenced prisoner attacks the manner in which a sentence is carried out or the prison authorities' determination of its duration."). Under current precedent, a 2241 petition "must be filed in the same district where the prisoner is incarcerated." See Pack, 218 F.3d at 451. Here, the record shows that Defendant is currently incarcerated in Pollock, Louisiana, which is located in the Western District of Louisiana,

Alexandria Division. As such, the Court finds that Defendant's present motion should be denied, without prejudice, thereby allowing him to re-file the motion in the correct court, namely the United States District Court for the Western District of Louisiana, Alexandria Division. The Court offers no opinion as to whether Defendant's claims have merit, or whether he is entitled to any relief whatsoever.

Accordingly:

IT IS THEREFORE ORDERED that Defendant's Motion for Credit for Prior Custody [**docket entry 59**] is hereby denied without prejudice thereby allowing Defendant the opportunity to re-file his motion as a 2241 Petition in the correct United States District Court.

SO ORDERED this the 23rd day of February, 2012.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE